

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BRETT E. LANG,

Petitioner,

v.

UNITED STATES OF AMERICA,

Civil Case No. 05-71898  
Criminal Case No. 91-80936  
Honorable Patrick J. Duggan

Respondent.

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**ORDER DENYING MOTION TO TRANSFER**

At a session of said Court, held in the U.S.  
District Courthouse, City of Detroit, County of  
Wayne, State of Michigan, on August 10, 2005.

PRESENT: THE HONORABLE PATRICK J. DUGGAN  
U.S. DISTRICT COURT JUDGE

Petitioner Brett E. Lang is a federal prisoner currently incarcerated at the Federal Medical Center in Lexington, Kentucky. This matter is presently before the Court on the Petitioner's motion pursuant to 28 U.S.C. § 2255 challenging his sentence, filed on May 13, 2005. On June 30, 2005, the United States filed a responsive motion seeking to transfer the case to the United States Court of Appeals for the Sixth Circuit. In its responsive motion, the United States argues that the Petitioner's current § 2255 motion is a second or successive motion and should, therefore, be transferred to the Sixth Circuit pursuant to 28 U.S.C. § 2244(b)(3)(A). In Petitioner's reply brief, Petitioner points out this motion is the first and only motion he has filed pursuant to 28 U.S.C. § 2255 on the sentence that was entered by

this Court on *June 13, 2001*. The Court agrees.

Accordingly,

**IT IS ORDERED** that the Government's motion to transfer the case to the United States Court of Appeals for the Sixth Circuit is **DENIED**.

**IT IS FURTHER ORDERED** that the Government shall have 21 days to respond to the merits of Petitioner's 28 U.S.C. § 2255 motion.

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s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

Copies to:

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